

## REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected claims 1, 4-8, 11-13, 15-30, 32 and 33. The Examiner allowed claims 37-39. Claims 1, 18, 19, 20, 28, 29 and 30 have been amended herein without intending to abandon or publicly dedicate any patentable subject matter. Claim 8 has been canceled herein without prejudice or disclaimer to expedite further allowance of claims. As such, claims 1, 4-7, 11-13, 15-30, 32, 33 and 37-39 are currently pending.

### ALLOWED CLAIMS

Applicant gratefully acknowledges the Examiner's allowance of claims 37-39.

### REJECTION OF CLAIMS 1, 4-8, 11-13, 15-30, 32-33 UNDER 35 USC §102(b)

In the Office Action, the Examiner rejected claims 1, 4-8, 11-13, 15-30, 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Khan (5653424). Applicant respectfully disagrees.

Regarding independent claims 1, 18, 19, 20, 28, 29 and 30, Applicant has herein amended these claims to include limitations of allowed claim 37. These claims now recite, in relevant part,

“means for preventing the staple crossbar from moving beyond a point where the staple can be removed, said preventing means comprising a flange protruding from a middle of said tongue;”

This limitation was indicated by the Examiner, in the previous Office Action, as allowable subject matter and was included in added claim 37 in Applicant's previous response. Applicant believes that the addition of this allowable subject matter to independent claims 1, 18, 19, 20, 28, 29 and 30 places these claims and their dependent claims in condition for allowance.

Regarding claim 8, Applicant has canceled this claim without prejudice or disclaimer to expedite a Notice of Allowance.

Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. 102(b) rejections of claims 1, 4-7, 11-13, 15-30, 32-33 and allow these claims.

#### **OTHER CITED REFERENCES**

The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.

#### **CONCLUSION**

It is submitted that cited references, alone or in any combination, do not teach or suggest the features of the claimed invention. Therefore, it is submitted that claims 1, 4-7, 11-13, 15-30, 32-33 and 37-39 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant believes that no extension fees are due in connection with this filing; however, Applicant hereby petition for an extension of time which may be required to maintain the pendency of this case, and for any required fee for such extension or any further fee required in connection with the filing of this Amendment, the Commissioner is hereby requested to notify Applicant of any payment due that is not otherwise paid with this letter.

Respectfully submitted,  
Bay Area Intellectual Property Group, LLC

A handwritten signature in black ink, reading "Ariel S. Benfante". The signature is fluid and cursive, with the first name "Ariel" and last name "Benfante" clearly distinguishable.

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